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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,947	02/04/2004	Hoe-Won Kim	678-1166 (P10757)	3784

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EXAMINER

LAM, DUNG LE

ART UNIT PAPER NUMBER

2617

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/771,947	KIM, HOE-WON	
	Examiner	Art Unit	
	Dung Lam	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "BB" or "SS" in the in the Figure 6. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

The next to last limitation of claim 1 cites "wherein each of the MSs analyzes the header block of *the received data*, to determine whether to receive the retransmission data block". According to the claim, after the MS sends the reports back to the core network, the MS somehow has "the received data" to analyze. Therefore, the examiner believes an essential step is omitted. The examiner suggests adding a step of "sending data comprising the header block, transmission and retransmission block data from the core network to the MS following reception of the reports from the MS" immediately before the underlined limitation.

3. Claims 1 is also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The last limitation of claim 1 cites, "and the transmission data is made by allocating the retransmission data block at a location where the retransmission data block of the transmission data block will be included." It is not clear to the examiner what is being claimed. The examiner believes that paragraphs 22, 31 and 32 from the specification may have some remote resemblance to the claimed limitation. However, upon thorough review of the paragraphs, the paragraphs are not very clear either. For example, paragraph 22 cites "... the core network collecting the bitmap data assigns a demanded retransmission data block to a retransmission data block position of the transmission data block before transmission to the plurality of MSs..." Therefore, for

examination purpose, the examiner will give the claimed limitation its broadest reasonable interpretation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen et al** (US Pub. No. 2003/0005382) in view of **Choi** (US Pub. No. 2003/0023915).

4. Regarding **claim 1**, **Chen** teaches a method for broadcasting data in a mobile communication system including a core network and a plurality of mobile stations (MSs) (102-104, Fig. 1 and wireless communication devices, WCD, para. 18), comprising the steps of: broadcasting, by the core network, transmission data over one shared downlink channel to the MSs within one base transceiver station (BTS) service area (para. 18 and 19);

5. and generating, by the MSs, receiving report data indicating whether the data has successfully been received (para. 20-22), and transmitting the receiving report data to the core network at uniquely assigned uplink channel positions (para. 23).

6. However, **Chen** does not specifically teach that the core network splits the data of a main data block and that each of the MSs analyzes the header block of the received data, to determine whether to receive the retransmission data block; However,

it is known in the art that in noisy environment, large amount of data are split into smaller packets to send through the network. In an analogous art, **Choi** teaches the splitting of the data in to smaller blocks (para. 19). Therefore, it would have been obvious for one of ordinary skill in the art to combine Chen's teaching of broadcasting method and Choi's teaching of breaking the data into smaller chunk as a known technique of packetizing in data transmission for the advantage of faster retransmission of information and reducing frame error rate. **Choi** further teaches the main data block which is comprised of a header block, a retransmission data block and a transmission data block which is also known in the art (para.18); each of the MSs analyzes the header block of the received data, to determine whether to receive the retransmission data block (examining the header information to determine what to do with the datablock, para. 18-20); and the transmission data is made by allocating the retransmission data block at a location where the retransmission data block of the transmission data block will be included (18-20).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen et al** (US Pub. No. 2003/0005382) in view of **Choi** (US Pub. No. 2003/0023915) further in view of **Torsener** (US Publication No. 2005/0039101).

8. Regarding claim 5, Chen teaches a method of claim 1. However, he fails to teach that the MSs waits for a transmission request from the core network in order to uplink the receiving report data indicating whether the transmission data has successfully been received. In analogous art, **Torsener** teaches that Node B may request the UE to report a status (para.80). Therefore, it would have been obvious for

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one of ordinary skill in the art at the time of the invention to modify Chen's teaching of broadcasting data to have **Torsener's** teaching of requesting the UE to send a report status since this modification would prevent Node B from being overwhelmed/overloaded with numerous reports unnecessary under some circumstances.

Response to Arguments

9. Applicant's arguments filed 2/21/06 have been fully considered but they are not persuasive.

10. On the first paragraph of page 5, applicant stated that the claim is amended to further recite, "the transmission data is allocating required retransmission data block of the transmission data block will be included". However, this underlined limitation is not found in the amended claim and even if it was, its meaning is not very clear either.

11. The applicant further asserts that the amended claim discloses the following limitations: "the core network transmits a message indicating whether the data has successfully been received from a plurality of mobile stations", "skips a receiving operation for the retransmission data block" "a downlink handshaking from a core network". However, these limitations are not found in the amended claims. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the transmission data is allocating required retransmission data block of the transmission data block will be included", "the core network transmits a message indicating whether the data has successfully been received from a plurality of mobile stations") are not recited in the

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rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

13. The applicant argues that Choi does not teach the data is divided into retransmission data block, transmission, and header block. The examiner notes that in data communication data are generally divided into retransmission block and transmission block and the header is added. Furthermore, the examiner notes that applicant admits that Choi teaches a "data header, a sequence number, a packet number that is used in a retransmission request and retransmission request process " which is exactly what applicant alleges as not being disclosed by Choi, namely "the retransmission data block, the transmission block and the header" (see Choi paragraph 18-20 and Abstract).

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Lam whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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